



February 19, 2014

The Honorable Gina McCarthy
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator McCarthy,

We continue to be concerned about the Agency's Bristol Bay Assessment and any potential actions the Agency may take based upon the Assessment. Dennis McLaren has stated publicly that the Agency will soon announce a decision with regard to the petitions requesting that the Agency take action to prevent mining in the Bristol Bay watershed. As the Pebble Partnership has yet to propose a mine plan, any such action would be unnecessary to protect public health or the environment, would be unsupported by science, and would be inconsistent with the previous application of the Clean Water Act. We urge that you and your Agency refrain from any action, until we submit a permit application and the NEPA process allows for a full and unfettered analysis of the mine plan. The Bristol Bay Assessment ("BBA") is an insufficient basis for any decision by the Agency.

You have heard before our concerns with the BBA. You may not be aware, however, that even a majority of the peer reviewers for the BBA noted its insufficiency to support a decision with regard to any Pebble Mine. As one peer reviewer noted:

"The assessment tells us that the consequences of loss and degradation of habitat on fish populations could not be quantified because of the lack of quantitative information concerning salmon, char, and trout populations. Furthermore, we learn that indirect effects, such as risks to wildlife, cannot be quantified. Stating that reduced salmon production would reduce the abundance and production of wildlife is accurate but not appropriate for a document that is intended to provide a scientific and technical foundation for future decision making. (EPA's Response to Peer Review Comments on the May 2012 and April 2013 Drafts of an Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska, p. 215, emphasis added).

The EPA also stated in its own report that a NEPA analysis was the appropriate context in which to consider these potential effects.

"We would expect that a full evaluation of any future mining permit applications and subsequent National Environmental Policy Act Environment Impact Statements would consider these effects." (*Id.*, emphasis added).

There are multiple examples demonstrating that a majority of peer reviewers characterize the failure of the BBA to quantify any impacts on the Bristol Bay fishery as a major shortcoming of the study. About that point, one reviewer stated:

"This remains a significant gap in the assessment that will require further data collection and interpretation." (*Id.*, p. 113)

Again, EPA agreed:

"We agree that, if planning for mines in the Bristol Bay watershed proceeds, additional data collection and interpretation concerning salmonid population biology and response of salmonids in the watershed to disturbance, habitat loss, and toxicity would be required." (*Id.*).

No environmental harm will occur by EPA allowing the NEPA process to proceed. Undeniable harm will occur to the Pebble project without achieving any environmental protection, if EPA begins a process against a potential Pebble mine or against all mining in the watershed, based on a document that peer reviewers found insufficient to support Agency action.

We look forward to meeting with you in the near future, before the Agency makes any decision about how and whether to proceed on these petitions, to discuss this matter with you.

Sincerely,

A handwritten signature in black ink that reads "Tom Collier". The signature is written in a cursive, flowing style.

Tom Collier
Chief Executive Officer